
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRITANY MCDANIEL-YATES,

Plaintiff,

v.

WAL-MART, INC.

WAL-MART STORES EAST, LP,

Defendants.

Case No. CIV-21-133-HE

NOTICE OF REMOVAL

**TO: THE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Defendants, Walmart Inc., a Delaware Corporation and Wal-Mart Stores East, L.P., a Delaware Limited Partnership (“Walmart”) pursuant to Title 28 U.S.C. §§1331, 1441(a) and 1446 and LCvR 81.2, file this Notice of Removal of the civil action filed against it in the District Court of Canadian County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of removal, Defendants state as follows:

1. Plaintiff, Britany McDaniel-Yates filed her Petition in the District Court of Canadian County on January 19, 2021. (*See* copy of the Canadian County District Court Docket, attached as Exhibit “1”).
2. Plaintiff, Britany McDaniel-Yates has pled damages in excess of the amount

required for diversity jurisdiction pursuant to Title 28 U.S.C. §1332. (See Plaintiff's Petition, attached as Exhibit "2").

3. It is Defendants' belief that Plaintiff is a resident and citizen of the State of Oklahoma.
4. Defendant Wal-Mart Stores East, L.P. a Delaware Limited Partnership, is a wholly-owned subsidiary of Walmart, Inc., a Delaware Corporation with its principal place of business in Bentonville, Arkansas. Walmart Inc. is a publicly traded corporation. Further, the principal place of business of Wal-Mart Stores East, L.P., is Bentonville, Arkansas. Consequently, Defendant Walmart is a citizen of the State of Arkansas.
5. Because this is a civil action between citizens of different states and the amount in controversy is in excess of seventy-five thousand dollars (\$75,000), this Court has original subject matter jurisdiction over the civil action pursuant to Title 28 U.S.C. §1332(a)(1). Removal of the action to this Court by Defendant Walmart is made pursuant to the provisions of Title 28 U.S.C. §1441.
6. In accordance with the provisions of Title 28 U.S.C. §1391(a), venue is proper in the United States District Court for the Western District of Oklahoma because the alleged incident occurred in Canadian County, State of Oklahoma, which is in the Western District of Oklahoma.
7. By virtue of this Notice of Removal, Defendants do not waive their right to assert any jurisdictional claims or pursue other motions or defenses, including those

available under Rule 12 of the Federal Rules of Civil Procedure.

8. In accordance with the provisions of Title 28 U.S.C. §1446(a) and the local rules of the United States District Court for the Western District of Oklahoma, legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

CJ-2021-24 (Canadian County District Court)

Exhibit 1: Copy of the Canadian County District Court Docket

Exhibit 2: Petition

Exhibit 3: Summons

Exhibit 4: Defendants' Answer to Plaintiff's Petition

Exhibit 5: Entry of Appearance for Michael Brewer

Exhibit 6: Entry of Appearance for Jeff Scott

In accordance with the provisions of Title 28 U.S.C. §1446(d), Defendants are serving a copy of this Notice of Removal upon Plaintiff and filing a Notice of Removal with the Clerk of the District Court of Canadian County, State of Oklahoma, where this case was originally filed. Copies of this Notice are being served upon Plaintiff and filed with the Canadian County Court Clerk contemporaneous with this document.

WHEREFORE, Defendants pray that the Court take jurisdiction in this action to the exclusion of any further proceedings in the District Court of Canadian County.

Respectfully submitted,

/s/Michael W. Brewer

MICHAEL W. BREWER, OBA # 11769

JEFFREY D. SCOTT, OBA # 32115

HILTGEN & BREWER, P.C.

9505 North Kelley Avenue

Oklahoma City, OK 73131

Telephone: (405) 605-9000

Facsimile: (405) 605-9010

mbrewer@hbokc.law

jscott@hbokc.law

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

MICHAEL D. DENTON, JR., OBA #13939

AUSTIN C. WALTERS, OBA #33363

DENTON LAW FIRM

925 West State Highway 152

Mustang, OK 73064

Telephone: 405-376-2212

Fax: 405-376-2262

michael@dentonlawfirm.com

austin@dentonlawfirm.com

ATTORNEYS FOR PLAINTIFF

/s/Michael W. Brewer

MICHAEL W. BREWER